

Chief Magistrate Judge James P. Donohue

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

SCHUYLER PYATTE BARBEAU,

Defendant.

NO.

MT15-542

COMPLAINT FOR VIOLATION

Title 26, United States Code, Sections
5861(d) and 5845(a)(3)

BEFORE, James P. Donohue, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Possession of an Unregistered Firearm)

On or about November 22, 2015, in Snohomish County, within the Western
District of Washington, SCHUYLER PYATTE BARBEAU knowingly possessed a
firearm which was not registered to him in the National Firearms Registration and
Transfer Record, as required by law, namely, a particular black, semiautomatic AR-15
5.56mm caliber assault rifle with a 10.5 inch barrel and holographic sight, a rifle having a
barrel of less than 16 inches in length.

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UNITED STATES ATTORNEY
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SEATTLE, WASHINGTON 98101
(206) 553-7970

1 All in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(3).

2 The undersigned complainant, Michael Baldino, being duly sworn, further deposes
3 and states as follows:

4 **INTRODUCTION**

5 1. I am a Special Agent with the Federal Bureau of Investigation and have
6 been since January 2013. Before becoming an FBI agent, I was a professional firefighter,
7 as well as an emergency medical and hazardous materials technician with Fairfax County
8 Fire and Rescue Department in Virginia. As an FBI Special Agent, I have investigated,
9 received training, and have field experience investigating the various criminal violations
10 over which the FBI has jurisdiction, including domestic and international terrorism,
11 crimes against children, illegal narcotics, and other violations of federal statutes. I have
12 acquired knowledge and information about these offenses and the methods by which they
13 are executed, through formal and informal training, other law enforcement officers and
14 investigators, informants, as well as through my participation in other investigations.

15 2. As a law enforcement officer, I have participated in the execution of
16 numerous arrest and search warrants, which have resulted in arrests, convictions, and the
17 recovery of evidence and contraband. I am currently assigned to the Seattle Division's
18 Domestic Terrorism Squad on the Joint Terrorism Task Force, which investigates
19 criminal violations relating to incidents of both domestic and international terrorism.

20 3. The facts set forth in this Affidavit are based on my own personal
21 knowledge; information obtained from other individuals during my participation in this
22 investigation, including other law enforcement officers; interviews of cooperating
23 witnesses; review of documents and records related to this investigation; communications
24 with others who have personal knowledge of the events and circumstances described
25 herein; and information gained through my training and experience.

26 4. Because this Affidavit is submitted for the limited purpose of establishing
27 probable cause in support of a criminal complaint, it does not set forth each and every
28 fact that I, or others, have learned during the course of this investigation.

SUMMARY OF PROBABLE CAUSE

5. On June 5, 2015, the Seattle Division of the FBI received information from a Confidential Human Source ("CHS") regarding potential threats to law enforcement made by Washington State resident, Schuyler Pyatte Barbeau.¹ The CHS advised that Barbeau frequently told the CHS that the federal government was not abiding by the principles set forth in the Constitution and that many public servants, such as judges and police officers who had sworn to uphold it, had deviated from their oath of office. Barbeau told the CHS that it was his duty to educate public servants who were not living up to their oath and discussed "lynching" those he deemed unworthy if necessary. In one instance, Barbeau told the CHS that he and other like-minded individuals would physically remove a California judge presiding over a misdemeanor weapons violation he received there in the fall of 2014.

6. The CHS advised Barbeau was always armed with a .45 caliber pistol and frequently traveled with a short-barreled AR-15 rifle ("SBR"), body armor, and a helmet in his vehicle.

7. On October 19, 2015, Barbeau invited the CHS to a trailer he was occupying in Springdale, Washington, and discussed selling his SBR. Barbeau asked the CHS to find a buyer for him and allowed the CHS to take several photographs of the SBR. Barbeau informed the CHS that he willing to sell the SBR along with a longer barrel, optics, and other accessories, for 5,000 dollars.

8. On October 23, 2015, I conducted an open source investigation of Facebook for photographs of Barbeau either describing or holding an SBR. During the course of the investigation, I found and captured three such photographs posted to Facebook in which Barbeau was either tagged by another Facebook user or commented directly on. Those photographs are described as follows:

¹ The FBI has paid the CHS for his involvement in this matter.
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1 9. On July 23, 2014, Facebook user "Blaine Cooper" posted a photograph of a
2 tan-colored handgun and an SBR on top of black carrying case covered in stickers. The
3 text accompanying the photograph said "Share Via Schuyler Barbeau," implying that the
4 weapons were Barbeau's and included a direct link to Barbeau's Facebook account. On
5 July 24, 2014, Barbeau commented directly on the photograph via his own Facebook
6 account and stated "FNX 45 tactical with an AAC TiRant suppressor that's still waiting
7 approval from ATF. Barrel is a Rainier Arms Ultramatch series 10.5 inch."

8 10. On July 30, 2014, Facebook user "Blaine Cooper" posted a photograph of
9 Barbeau holding an SBR in front of the rear tailgate of a sport utility vehicle. The text
10 accompanying the photograph said "With Schuyler Barbeau" and provided a direct link
11 to Barbeau's Facebook account.

12 11. On August 10, 2014, Barbeau posted a photograph a tan-colored handgun
13 and an SBR on top of a yellow Gadsen flag included as a part of a "mysanantonio.com"
14 news article on his personal Facebook account. The text accompanying the photograph
15 said: "I love how a bunch of my pictures are poppin up in articles around the web." On
16 August 11, 2014, Facebook user "Ryan Gargano" commented on the photograph Barbeau
17 shared and inquired "You own an SBR? Niiice. What barrel length before that muzzle
18 break?" On August 12, 2014, Barbeau responded directly to the comment and wrote:
19 "Ryan Gargano it's a 10.5 Rainier Arms Ultramatch series. it shoots really nice."

20 12. On November 3, 2015, Barbeau contacted the CHS via telephone with
21 additional information about the sale of his SBR. During the telephone conversation,
22 Barbeau informed the CHS that he wanted to use the money from the sale to purchase a
23 rifle capable of firing 7.62 millimeter rounds. Barbeau believed this type of rifle would
24 be more effective in shoot-outs with law enforcement.

25 13. On November 8, 2015, the CHS met with Barbeau and informed him that
26 he/she had a buyer interested in purchasing his SBR for the 5,000 dollars Barbeau had
27 asked for previously. Barbeau told the CHS he would consider the offer.
28

1 14. On November 20, 2015, Barbeau contacted the CHS via a private Facebook
2 message and asked him to tell the buyer he was ready to sell his SBR as soon as possible.
3 The CHS told Barbeau the buyer was out of town for the upcoming Thanksgiving
4 holiday, but offered to keep the SBR until the buyer returned. Barbeau agreed to let the
5 CHS keep the SBR and arranged to meet the CHS the afternoon of November 22.

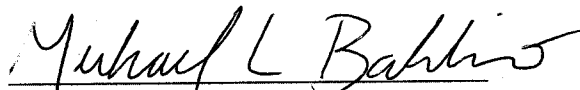
6 15. On the morning of November 22, 2015, Barbeau unexpectedly dropped off
7 the SBR at the CHS's residence in the Western District of Washington and asked him to
8 obtain the money from the buyer as soon as possible. Shortly after, Barbeau departed the
9 residence, and the CHS contacted the FBI.

10 16. Later that same morning, I, along with FBI Special Agent Daniel Bennett
11 met with the CHS and took possession of the SBR. Following the meeting, Special
12 Agent Bennett took the SBR and secured it at the Seattle Division of the FBI.

13 17. On November 24, 2015, Seattle Division ATF Special Agent Claudia
14 Grigore inspected the SBR at the FBI's office in Seattle and certified that the barrel was
15 less than 16 inches in length, therefore requiring registration under the National Firearms
16 Registration and Transfer Record. In addition, ATF has verified that Barbeau has not
17 registered the firearm in the National Firearms Registration and Transfer Record.
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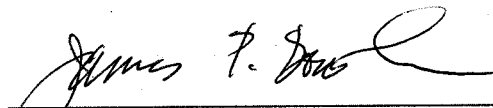
CONCLUSION

18. Based on the foregoing, I respectfully submit that there is probable cause to believe that SCHUYLER PYATTE BARBEAU has committed the crime of possessing an unregistered firearm, in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(3).


Michael Baldino, Complainant,
Special Agent, FBI

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

Dated this 2nd day of December, 2015.


THE HONORABLE James P. Donohue
Chief United States Magistrate Judge